

FILED
At Albuquerque NM

SEP 19 2016

MATTHEW J. DYKMAN
CLERK

UNITED STATES DISTRICT COURT

for the
District of New MexicoIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Red 2001 Honda CR-V, VIN: JHLRD18441C037774,
currently located at Eagles Towing, 11200 Central SE,
Albuquerque, NM

Case No. 16-MR-668

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See attachment A

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See attached affidavit

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. 1708Offense Description
Theft or receipt of stolen mail matter generally

The application is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Ryan Calvert, United States Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date:

9/19/16

Judge's signature

City and state: Albuquerque, NM

United States Magistrate Judge William P. Lynch

Printed name and title

AFFIDAVIT

UNITED STATES DISTRICT COURT)
)
DISTRICT OF NEW MEXICO) SS

I, Ryan Calvert, having been duly sworn, hereby depose and state as follows:

1. I am a duly authorized postal inspector with the United States Postal Inspection Service and have been so employed since June 2013. I am currently assigned to the US Postal Inspection Service, Phoenix Division, Albuquerque, New Mexico Domicile.
2. This affidavit is made in support of a search warrant to search a red in color 2001 Honda CR-V, VIN: JHLRD18441C037774, currently located at Eagles Towing, 11200 Central SE, Albuquerque, NM in connection with an investigation into the mail theft in violation of Title 18, United States Code, Section 1708. This affidavit does not contain all of the information known to your affiant; rather, it contains information necessary to establish probable cause for the violations charged.
3. Since July 8, 2016, I have been investigating mail theft from U.S. Postal Service blue collection boxes including those located in the parking lot in front of the Steve Schiff Station Post Office, 9719 Candelaria Rd NE, Albuquerque, NM. Customers complained that outgoing mail deposited into the boxes did not reach its intended destination. Video cameras located at the Steve Schiff Station Post Office repeatedly captured a Honda CR-V believed to be involved in stealing mail.
4. On or about August 29, 2016, while observing the surveillance footage from the Steve Schiff Station Post Office, I was able to obtain a license plate for the Honda CR-V, New Mexico License Plate NCL436. A database search of the plate showed JoAnn Bell as the registered owner of the vehicle.
5. On September 1, 2016, Inspector Stephanie Herman and I interviewed Ms. Bell at the Main Post Office regarding mail theft and checks that were recovered incident to her arrest in July, 2016 by the Bernalillo County Sheriff's Office. She stated her boyfriend, Nathan Berke, would steal mail from the blue collection boxes, using a fishing device. Ms. Bell described the fishing device as a vertical blind with a rat trap stuck to the end of it. The device is fed into the mailbox and mail that sticks to it is "fished" out.
6. On September 18, 2016, at approximately 4 AM, I was contacted by a H.M., a supervisor for the Postal Service, who stated they were told by an employee that the red Honda CR-V was seen at the Manzano Station Post Office located at 11600 Haines Ave NE, Albuquerque, NM and was now parked across the street.
7. On September 18, 2016, I spoke with S.D., the postal employee who observed the vehicle. She stated she arrived to work at approximately 3:40 AM at the Manzano Station Post Office and observed the vehicle at the blue collection boxes in the parking lot. She stated she observed someone standing by the

boxes. She stated she drove around and pulled up behind the vehicle as the vehicle was pulling away. She stated the vehicle left the parking lot and parked across the street. She stated it was a red Honda CR-V.

8. On September 18, 2016, beginning at approximately 4:45 AM I conducted surveillance at the Manzano Station Post Office and observed the vehicle parked across the street. I walked by the vehicle and observed Ms. Bell asleep in the driver's seat of the vehicle. I recognized Ms. Bell from our interview with her on September 1, 2016. I also observed a fishing device in Ms. Bell's lap as well as a large amount of mail. Some of the mail had been opened.
9. On September 18, 2016, Inspector Herman and I arrested Ms. Bell. Ms. Bell declined to make a statement. Ms. Bell asked for cigarettes and a lighter from her purse. When I went into the purse to get them, I saw an Apple iPhone. Ms. Bell was told the vehicle was going to be sealed so that I could apply for a federal search warrant. Ms. Bell stated that she had a case with jewelry and computer equipment that she was concerned about. Ms. Bell's wallet, a second cell phone, an LG Stylo 2, and jewelry case were removed from the car and held at the U.S. Postal Inspection Service office due to her concerns of theft. Ms. Bell's vehicle was towed by Eagle Towing to be held pending a search warrant application.
10. The Apple iPhone and computer equipment were not removed from the red Honda CR-V before it was towed, but, based upon Ms. Bell's statement; there is probable cause to believe that these items will in fact be found in the vehicle.
11. Based on my experience and the collective experience of other inspectors and agents who investigate mail theft, I know that individuals involved in this type of criminal activity are often drug users of no fixed abode. I know that people involved in this type of criminal activity often use computers to apply for credit, make purchases, and make counterfeit checks and identification documents. They also use computers and cellular phones to visit Internet sites to obtain and verify victim information. I know that people involved in this type of crime use cell phones to contact criminal associates. I am aware that people involved in mail theft, identity theft and bank fraud keep the following in their residences, hotel rooms and vehicles:

- Controlled substances and paraphernalia;
- Cellular phones;
- Mail that is not addressed to or from themselves;
- US Postal Service keys and/or counterfeit keys;
- US Postal Service equipment to include tubs, trays, satchels and uniforms;
- Pry bars;
- Fishing devices;
- Checks;
- Credit and/or debit cards;
- Identification documents;
- Receipts from purchases;
- Receipts and membership information from casinos;
- Documents and/or records bearing account information;
- Documents and/or records bearing victim information;

Documents and/or records of criminal associates including names, addresses
phone numbers, e-mail addresses and digital or scanned photos;
Items used to make counterfeit identification documents and/or checks such as:

- card stock
- check stock
- check making software
- ink
- cellular phones
- digital cameras
- computers
- computer storage devices (hard drives, thumb drives, CDs and/or DVDs)
- software
- printers/scanners/copiers
- signature pads
- laminators

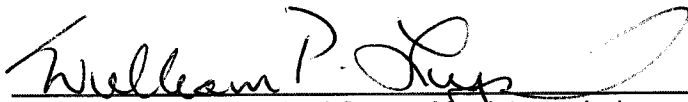
"Records" refers to written, phone and computer records

12. Based on the admission by JoAnn Bell that she was living in her car at the time of this criminal activity and based on the fact that I was able to observe mail in plain view in the car that was not addressed to or from JoAnn Bell, I believe that the car is the place that the instrumentalities described in paragraph 11 will be found.
13. Based on the information provided in this affidavit, I believe there is probable cause to believe that the items described in paragraph 11 and in Attachment A, are present inside the red in color 2001 Honda CR-V, VIN: JHLRD18441C037774, currently located at Eagles Towing, 11200 Central SE, Albuquerque, NM, and that other items to be seized are fruits, proceeds, evidence and instrumentalities of the criminal activity set out above.



Ryan Calvert, Postal Inspector

Subscribed and sworn to before me on this 19th day of September, 2016.



William P. Lynch, United States Magistrate Judge

ATTACHMENT A: ITEMS TO BE SEIZED

All items and records, in whatever format, relating to violations of Title 18, United States Code, Section 1708 and involving JoAnn Bell and unknown co-conspirators, including:

- Controlled substances and paraphernalia;
- Cellular phones;
- Mail that is not addressed to or from JoAnn Bell;
- US Postal Service keys and/or counterfeit keys;
- US Postal Service equipment to include tubs, trays, satchels and uniforms;
- Pry bars;
- Fishing Devices;
- Checks;
- Credit and/or debit cards, in names other than JoAnn Bell;
- Identification documents in names other than JoAnn Bell;
- Receipts from purchases;
- Receipts and membership information from casinos;
- Documents and/or records bearing account information;
- Documents and/or records bearing victim information;
- Documents and/or records of criminal associates including names, addresses phone numbers, e-mail addresses and digital or scanned photos;
- Items used to make counterfeit identification documents, checks, and/or credit cards such as:

- card stock
- check stock
- check making software
- ink
- cellular phones
- digital cameras
- computers
- computer storage devices (hard drives, thumb drives, CDs and/or DVDs)
- software
- printers/scanners/copiers
- signature pads
- laminators
- credit card encoders